

ORDINANCE NO. 28827**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY LOCATED AT THE SOUTHWEST SIDE OF SOUTH WHITE ROAD, APPROXIMATELY 130 FEET SOUTH OF WESTBORO DRIVE, FROM COUNTY OF SANTA CLARA TO CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT**

WHEREAS, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to CN-Commercial Neighborhood Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the Council is the decision-making body for subject prezoning from unincorporated County to CN – Commercial Neighborhood Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as CN – Commercial Neighborhood.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No.

C10-015 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

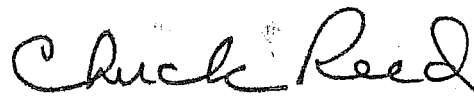
PASSED FOR PUBLICATION of title this 5th day of October, 2010 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.


ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: CAPITOL NO. 57

CN Zoning District

Date: 10/05/10

All that certain real property situated in the County of Santa Clara, State of California being all of Parcel A and Parcel B and a portion of White Road as shown on the Record of Survey recorded on March 12, 1969 in Book 250 of Maps, at Page 26, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexation Capitol No. 5, said property being more particularly described as follows:

Beginning at the intersection of the southwesterly line of White Road (30 foot half-width) with the northeasterly projection of the southeasterly line of said Parcel B as shown on said Record of Survey, said point being on the general southwesterly line of said Capitol No. 5;

Thence along said southwesterly line of White Road (30 foot half-width) and said general southwesterly line of Capitol No. 5, N 36°08'30" W 237.98 feet to the northeasterly projection of the northwesterly line of Lot 389 as shown on the Map of Tract No. 1007 recorded on July 7, 1952 in Book 38 of Maps at Pages 37-41, Records of Santa Clara County;

Thence continuing along said general southwesterly line of Capitol No. 5, along said northeasterly projection and said northwesterly line of Lot 389, S 49°33'00" W 210.02 feet to the most northerly corner of said Lot 389, said point being the intersection of the northwesterly projection of the southwesterly line of said Parcel A labeled as "N 36°09'30" W - 87.09'" with the southeasterly line of the "Santa Clara County Flood Control and Water Conservation District" Parcel as shown on said Record of Survey;

Thence leaving said general southwesterly line of Capitol No. 5, along said northwesterly projection and said southwesterly line of Parcel A, S 36°08'30" E 104.00 feet to an angle point in the general southwesterly line of said Parcel A;

Thence along said general southwesterly line of Parcel A, N 49°33'00" E 60.02 feet;

Thence continuing along said general southwesterly line of Parcel A and along the southwesterly line of said Parcel B, S 36°08'30" E 133.98 feet to the most southerly corner of said Parcel B;

Thence along the southeasterly line of said Parcel B and its northeasterly projection, N 49°33'00" E 150.00 feet to the Point of Beginning.

The described property contains approximately 41,820.57 sq. ft. (0.96 acres).

This description was prepared from record information only.

EXHIBIT

A

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



Patricia A. Cannon, 8/10/2010
Patricia A. Cannon, PLS 8186